



This document is scheduled to be published in the Federal Register on 09/05/2017 and available online at <https://federalregister.gov/d/2017-18637>, and on [FDsys.gov](https://www.fdsys.gov)

[Billing Code 3410-KD-P]

## **DEPARTMENT OF AGRICULTURE.**

Grain Inspection, Packers and Stockyards Administration

Proposed Posting, Posting, and Depositing of Stockyards

**AGENCY:** Grain Inspection, Packers and Stockyards Administration (GIPSA), USDA.

**ACTION:** Notice and request for comments.

**SUMMARY:** GIPSA is taking several actions to post and deposit stockyards under the Packers and Stockyards Act (P&S Act). Specifically, we are proposing that 11 stockyards now operating subject to the P&S Act be posted. We are also posting seven stockyards that were identified previously as operating subject to the P&S Act and depositing two stockyards that no longer meet the definition of a stockyard.

**DATES:** GIPSA will consider comments received by [INSERT DATE 30 DAYS FROM DATE OF PUBLICATION IN THE FEDERAL REGISTER].

**ADDRESSES:** We invite you to submit comments on this notice. You may submit comments by any of the following methods:

- **Mail, Courier or Hand Delivery:** Irene Omade, GIPSA, USDA, 1400 Independence Avenue, SW., Room 2530-S, Washington, DC 20250-3604.
- **Submit Comments using the Internet:** Go to <http://www.regulations.gov>.

Follow the on-line instructions for submitting comments.

**Instructions:** All comments should refer to the date and page number of this issue of the Federal Register. The comments and other documents relating to this action will be available for public inspection during regular business hours.

**FOR FURTHER INFORMATION CONTACT:** Donna Ash, Program Analyst, Litigation and Economic Analysis Division at (202) 720-0222 or [Donna.A.Ash@usda.gov](mailto:Donna.A.Ash@usda.gov).

**SUPPLEMENTARY INFORMATION:** GIPSA administers and enforces the P&S Act of 1921, (7 U.S.C. 181 *et seq.*). The P&S Act prohibits unfair, deceptive, and fraudulent practices by livestock market agencies, dealers, stockyard owners, meat packers, swine contractors, and live poultry dealers in the livestock, poultry, and meatpacking industries.

Section 302 of the P&S Act (7 U.S.C. 202) defines the term “stockyard” as follows: “...any place, establishment, or facility commonly known as stockyards, conducted, operated, or managed for profit or nonprofit as a public market for livestock producers, feeders, market agencies, and buyers, consisting of pens, or other enclosures, and their appurtenances, in which live cattle, sheep, swine, horses, mules, or goats are received, held, or kept for sale or shipment in commerce.”

Section 302 (b) of the P&S Act requires the Secretary of Agriculture to determine which stockyards meet this definition, and to notify the owner of the stockyard and the public of that determination by posting a notice in each designated stockyard. Once the Secretary provides notice to the stockyard owner and the public, the stockyard is subject to the provisions of Title III of the P&S Act (7 U.S.C. 201-203 and 205-217a) until the Secretary deposits the stockyard by public notice. To post a stockyard, we assign the stockyard a facility number, notify the stockyard owner, and send an official posting notice to the stockyard owner to display in a public area of the stockyard. This process is referred to as “posting.” The date of posting is the date that the posting notices are physically displayed at the stockyard. A facility that does not meet the definition of a stockyard is not subject to the P&S Act, and

therefore cannot be posted. A posted stockyard can be deposited, which occurs when the facility is no longer used as a stockyard.

We are hereby notifying stockyard owners and the public that the following 11 stockyards meet the definition of a stockyard, and that we propose to designate these stockyards as posted stockyards.

Proposed Facility Number	Stockyard Name and Location
FL-141	Gulf Coast Livestock, Madison, Florida
KY- 190	Franklin Livestock Market, Inc., Franklin, Kentucky
LA-148	Southwest Horse Sale, LLC, Bush, Louisiana
MS-182	Trade Day Auction, LLC, Philadelphia, Mississippi
OK-219	Watson's Auction Service, Maud, Oklahoma
OK-220	Daniel's Hog and Goat Sale, Howe, Oklahoma
OK-221	Glover Auction & Livestock, LLC, Lawton, Oklahoma
SC-165	Willie Hester, d/b/a Willietakeit Auctions, Pelzer, South Carolina
TN-216	Ricky Kepley, d/b/a Cumberland City Stockyards, Cumberland City, Tennessee
TN-217	Dickson Horse Sale, Dickson, Tennessee
WV-119	Parkersburg Livestock Market, Mineral Wells, West Virginia

We are also notifying the public that the stockyards listed in the following table meet the P&S Act's definition of a stockyard and that we have posted the stockyards. On October 17, 2016, we published a notice in the *Federal Register* (81 FR, 71477-71479) of our proposal to post these seven stockyards. Since we received no comments to our proposal, we assigned the stockyards a facility number and notified the owner of the stockyard facilities. Posting notices were sent to the owner of the stockyard to display in public areas of the stockyard. The table below reflects the date of posting for each stockyard.

Facility Number	Stockyard Name and Location	Date of Posting
KY-189	Blue Grass Stockyards of Albany, LLC, Albany, Kentucky	11/07/2016
MS-181	Cattlemens Stockyard, LLC, West Point, Mississippi	11/07/2016
NC-182	Walton L. Standridge d/b/a Standridge Auction, Hamlet, North Carolina	11/07/2016
NC-183	Vale Enterprises, LLC d/b/a Cleveland County Agriculture & Livestock Exchange, Shelby, North Carolina	11/07/2016
PA-164	Nicholson Livestock Market, Factoryville, Pennsylvania	11/08/2016
SD-173	Kramer's Auction, LLC, Colman, South Dakota	11/14/2016
TN-215	Alexandria Stockyard, Inc., Alexandria, Tennessee	11/08/2016

Finally, we are notifying the public that the following stockyards no longer meet the definition of a stockyard and are being deposited. We deposit stockyards when the facility can no longer be used as a stockyard. The reasons a facility can no longer be used as a stockyard may include the following: 1) the market agency has moved and the posted facility is abandoned; 2) the facility has been torn down or otherwise destroyed, such as by fire; 3) the facility is dilapidated beyond repair; or 4) the facility has been converted and its function has changed.

Facility Number	Stockyard Name and Location	Date Posted
MA-104	Crowley's Commission Sales, Inc., Agawam, Massachusetts	03/14/1972
NB-146	Kearney Livestock Market, Inc., Kearney, Nebraska	02/22/1938

Authority: 7 U.S.C. 202.

---

Randall D. Jones,  
Acting Administrator,  
Grain Inspection, Packers and Stockyards Administration.  
[FR Doc. 2017-18637 Filed: 9/1/2017 8:45 am; Publication Date: 9/5/2017]